

IC 20-33-8.5

Chapter 8.5. Court Assisted Resolution of Suspension and Expulsion Cases

IC 20-33-8.5-1

Applicability

Sec. 1. This chapter does not apply to a nonpublic school.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-2

Agreement between superintendent and court having juvenile jurisdiction

Sec. 2. A superintendent and a court having juvenile jurisdiction in the county may enter into a voluntary agreement (referred to as the "agreement" in this chapter) for court assisted resolution of school suspension and expulsion cases. The agreement may require the court to supervise or provide for the supervision of an expelled or suspended student who has been referred to the court by the school corporation in accordance with the terms of the agreement.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-3

Agreement; court's responsibilities

Sec. 3. The agreement may require that a court do one (1) or more of the following:

- (1) Establish a flexible program for the supervision of a student who has been suspended or expelled.
- (2) Supervise a student who has been suspended or expelled.
- (3) Require a student who has been suspended or expelled to participate in a school program (including an alternative educational program) for the supervision of a student who has been suspended or expelled.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-4

Agreement; school corporation's responsibilities

Sec. 4. (a) The agreement may require that a school corporation do one (1) or more of the following:

- (1) Define the violation for which a student who has been suspended or expelled shall be referred to the court.
- (2) Refer a student who has been suspended or expelled for a violation described in subdivision (1) to the court.
- (3) Establish a school program (including an alternative educational program) for the supervision of a student who has been suspended or expelled.

(b) If a school corporation enters into an agreement, the discipline rules adopted by the school corporation under IC 20-33-8-12 must specify the violations for which a student may be referred to the court under the agreement.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-5**Agreement; payment of expenses**

Sec. 5. The agreement must provide how the expenses of supervising a student who has been suspended or expelled are funded. A school corporation may not be required to expend more than the amount determined under IC 21-3-1.7-6.7(e) for each student referred under the agreement.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-6**Informal hearing before court**

Sec. 6. A student shall be given an informal hearing before the court, in a setting agreed upon by the court and the school system, as soon as practicable following the student's referral to the court, after notice of the hearing has been provided to the student's parent.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-7**Hearing not a determination of whether student is child in need of services**

Sec. 7. A hearing under this chapter is not a hearing to determine whether a student who has been suspended or expelled is a child in need of services. However, if a court determines that a student who has been suspended or expelled may:

- (1) be a child in need of services (as described in IC 31-34-1);
- or

(2) have committed a delinquent act (as described in IC 31-37); the court may notify the office of family and children or the prosecuting attorney.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-8**Presence of parent or guardian at hearing**

Sec. 8. A parent or guardian has the right to be present and may be required to be present during the student's appearance.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-9**Appearance of student not to be used in subsequent court proceedings**

Sec. 9. A student's appearance in court under this chapter shall not be used against the child or the child's parents or guardians in any subsequent court proceeding, including but not limited to any delinquency or child in need of services matter under IC 31.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-10**Expungement of court record**

Sec. 10. All records of the student's court appearance shall be expunged upon the student's completion of the out-of-school

suspension or expulsion program.
As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-11

Student with disability; procedural requirements

Sec. 11. Notwithstanding the terms of the agreement, a suspension, an expulsion, or a referral of a student who is a child with a disability (as defined in IC 20-1-6-1) is subject to the:

- (1) procedural requirements of 20 U.S.C. 1415; and
- (2) rules adopted by the Indiana state board of education.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-12

Child not deprived of due process rights

Sec. 12. This chapter does not deprive a child of any due process rights to which the child may be entitled.

As added by P.L.242-2005, SEC.23.